



**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Application No. : 09/902,944  
Applicants : N. Frigo  
: P. Iannone  
: K. Reichmann  
: A. Smiljanic  
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Group Art Unit : 2633  
Examiner : R. Sedighian  
Docket No. : 2000-0432A

Confirmation No. 9459

Title : METHOD FOR OPERATING TRANSPARENT NODE FOR WDM  
SHARED "VIRTUAL RING" NETWORKS

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450.

**DECLARATION UNDER 37 CFR 1.132**

Sir:

I hereby declare :

1. Mr. Nicholas J. Frigo, Mr. Patrick P. Iannone, Mr. Kenneth C. Reichmann and Ms. Aleksandra Smiljanic are co-inventors of the subject matter described and claimed in the above-identified patent application.

2. Mr. Nicholas J. Frigo, Mr. Patrick P. Iannone, Mr. Kenneth C. Reichmann, Mr. Alan H. Gnauck and Mr. Leonard H. Spiekman, are the co-authors of an article titled "A Flexible Metro WDM Ring Using Wavelength-Independent Subscriber Equipment to Share Bandwidth," published in the Proceedings of the Optical Fiber Communication Conference, Vol., 4, pages 281-283, March, 2000 ("OFCC Publication") (attached hereto as Exhibit A), the subject matter of which was communicated to the Optical Fiber Communication Conference by Mr. Patrick P. Iannone on March 9, 2000.

3. Mr. Gnauck and Mr. Spiekman assisted Mr. Frigo, Mr. Iannone, Mr. Reichmann and Ms. Smiljanic in various aspects of experiments associated with the reduction to practice of the subject matter disclosed in the OFCC Publication and the present application. Mr. Gnauck assisted by providing advice as to the appropriate measurements to be taken during said experiments and by suggesting appropriate test equipment useful for taking such measurements.

Also, while the idea of using <sup>SEMICONDUCTOR</sup>silicon optical amplifiers in accordance with the principles of the present invention was the sole idea of one or more of the coinventors of the present application, Mr. Spiekman functioned as a supplier of <sup>SEMICONDUCTOR</sup>silicon optical amplifiers to the present coinventors. <sub>njt</sub>

4. Mr. Gnauck and Mr. Spiekman are not co-inventors of the subject matter described in the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nicholas J. Frigo  
Nicholas J. Frigo

Date: 12/6/2005

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Patrick P. Iannone

Date: \_\_\_\_\_

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Kenneth C. Reichmann

Date: \_\_\_\_\_